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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/553,724

10/19/2005

Kazuhito Fujii

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05/18/2009

OLIFF & BERRIDGE, PLC

P.O. BOX 320850

ALEXANDRIA, VA 22320-4850

EXAMINER

KRUER, KEVIN R

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

05/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/553,724	FUJII ET AL.	
	Examiner	Art Unit	
	KEVIN R. KRUEER	1794	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on December 17, 2008.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6, and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by JP08-258888 (herein referred to as Miyamoto)

Miyamoto teaches a cover tape for surface mounting embossed semiconductors formed by laminating exterior intermediate layer and adhesive layer, and an exterior biaxially oriented polyester or polypropylene (abstract). The intermediate layer is comprised a metallocene catalyzed ethylene copolymer having a density of 0.900-0.925g/cc (herein understood to anticipate the claimed ranges of claims) and a melting point of less than 110°C (herein understood to be sufficiently specific to anticipate the claimed temperature ranges of claims)(005). The adhesion between the adhesive layer and the intermediate layer is 10-130g/mm (005)-herein understood to be sufficiently specific to anticipate the claimed range in claims 5-8)

With regards to the difference between the maximum value of peeling strength upon separation and the minimum value, said property is herein understood to be inherent to the cover tape of Miyamoto since said film comprises the same layers having the same composition as the claimed film.

With regards to the newly claimed softening temperature of the metallocene catalyzed LLDPE, the examiner takes the position that the m-LLDPE taught in Miyamoto which has a density in the overlapping claim range (0.90-0.907) will inherently meet the claimed softening point since said polymers are compositionally identical to the claimed polymers.

Response to Arguments

Applicant's arguments filed December 17, 2008 have been fully considered but they are not persuasive.

Applicant argues the claimed combination of features results in superior surface resistance, static decay time, total light transmissivity, haze, peeling strength, peeling strength stability, zip-up properties, and heat resistance. Said argument is noted but is not persuasive because the argument does not agree in scope with the pending claims; none of said properties (with the exception of peel strength) are currently claimed. Furthermore, said argument is insufficient to establish unexpected results since the claims are anticipated by the prior art.

With regards to the new limitation, applicant argues that due to the distinctions between the methods in which the melting points and softening points are measured, the disclosed range of melting points of the prior art is no equivalent to the claimed range of softening temperatures of the claimed metallocene linear low density polyethylene. Said argument is noted but is not persuasive because counsel's argument cannot take the place of evidence. There is no evidence of record that the m-LLDPE of Miyamoto fails to meet the claimed softening point limitations.

Applicant further argues that Miyamoto discloses a broad range of melting points of an ethylene copolymer without sufficiently describing ethylene copolymers having the disclosed range of melting points. Said argument has been fully considered but is not persuasive because Miyamoto teaches a specific polymer (m-LLDPE) with a narrow density range, distribution, and melting point range. Thus, the teachings of Miyamoto are understood to be sufficiently specific to anticipate all the disclosed m-LLDPE. With regards to applicant's arguments regarding the examples taught in Miyamoto, Applicant is reminded that a reference may be relied upon for all that it fairly teaches and is not limited to preferred or exemplary embodiments.

Applicant further argues that the density disclosure of (0006) does not refer to m-LLDPE but rather to the "polyurethane system resin." Said disclosure has been reviewed and the examiner maintains the position that said disclosure refers to the m-LLDPE. Specifically, Miyamoto teaches at (0006) that "It is the ethylene-alpha olefin copolymer which polymerized with a metallocene catalyst whose ratio of a molecular weight as which the melting point is 110 or less in 0.900-0.925g/[cm] 3, and density of resin is specified by a ratio of weight-average-molecular-weight (Mw) / number average molecular weight (Mn) is three or less..."

For the reasons noted above, the rejection is maintained.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KEVIN R. KRUER** whose telephone number is (571)272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Callie Shosho** can be reached on 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin R Kruer/
Primary Examiner, Art Unit 1794